



Office of Mayor Gavin Buckley

City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

February 8, 2019

President Jacqueline Boone Allsup
Anne Arundel County NAACP
PO Box 6210
Annapolis, MD 21401

via email: President@annearundelcountynaacp.org

Dear Ms. Boone-Allsup,

Thank you for your letter of February 6, 2019 expressing your sincere concerns about the information in a Capital Gazette article. I hope that this letter will begin to set the record straight on some of the confusing aspects of the allegations made against Sergeant Christopher Kintop. On behalf of City of Annapolis Police Chief Scott Baker and myself, I wanted to respond to the issues you outlined.

1. James Elmer Bailey, who was arrested in 2010 and again in April 2017, is Caucasian. The man charged in the 2007 first degree assault case, also named James Elmer Bailey, is African American. The men share the same birth date.
2. In 2013, during trial of the 2011 lawsuit the Caucasian James Elmer Bailey filed as a result of his 2010 arrest, the State's Attorney rescinded the 2007 warrant. Consequently, the initial warrant no longer exists.
3. In the 2011 lawsuit filed by Caucasian James Elmer Bailey, District Court Administrative Judge John P. McKenna found that Sgt Kintop relied on advice given to him by a State's Attorney and District Court Commissioner when he changed the race on the 2007 warrant from African American to Caucasian. Judge McKenna also found that Sgt Kintop did not act maliciously.
4. In February 2013, Sgt. Kintop submitted to a District Court Commissioner a second Application for a Statement of Charges with the correct race, height, and weight, as the victim described, for the African American James Elmer Bailey police were seeking to charge from the 2007 incident. In the Application for Statement of Charges, Sgt. Kintop left the fields for the social security number and driver's license number blank because he did not have that information about the African American James Elmer Bailey.

5. Once the District Court Commissioner issued the second warrant for the African American James Elmer Bailey, it was a valid warrant and was given to the records section of the Annapolis Police Department for data entry into various warrant databases. It was the employees in the records section of Annapolis Police Department who inadvertently and incorrectly entered the social security number and driver's license number belonging to Caucasian James Elmer Bailey into the warrant database. These two civilian employees filled in those fields from information in local and national databases. Unfortunately for the Caucasian James Elmer Bailey, it was this identifying information that led to his being arrested by Maryland Transportation Authority (MDTA) Police in April 2017. It is important to note that Sgt. Kintop correctly included the physically identifying information in the second warrant, showing the police were looking for a 5'5", 145 lb. African American man, and not the 6'3", 195 lb. Caucasian man who MDTA arrested. When MDTA contacted Sgt. Kintop, he immediately told them they had arrested the wrong James Elmer Bailey, and the Caucasian Mr. Bailey was released.
6. In the case involving Annapolis resident Towhee Sparrow noted in your letter, all of the officers involved in that case were exonerated, including Sgt. Kintop, as part of the court proceedings.
7. I have spoken with Chief Baker about the topic of racial profiling and police and community relations, and he strongly supports a police department that is respectful of all people in our City. I share that strong belief. We have a no tolerance policy for officers who do not support this vision for law enforcement.
8. Chief Baker believes that Sgt Kintop acted professionally and without bias in these matters. Additionally, we believe that the court findings in both cases resolved the questions of Sgt Kintop's actions.

Finally, I understand how it is easy to be confused by the facts of the James Elmer Bailey case. Police have not been able to apprehend the African American James Elmer Bailey for the serious crimes he is charged with committing.

Chief Baker and I thank you for giving us the opportunity to clarify the facts of this case for the public record. I would be happy to meet with your Board to discuss this matter if you would like to schedule a meeting.

Regards,

Gavin Buckley, Mayor
City of Annapolis